

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FRANSSEN CONDOMINIUM ASSOCIATION  
of APARTMENT OWNERS, a Washington non-  
profit corporation,

Plaintiff,

v.

AETNA CASUALTY AND SURETY  
COMPANY OF ILLINOIS, a Connecticut  
company, COUNTRY MUTUAL INSURANCE  
COMPANY, an Illinois company, DOE Travelers  
entity 1, a Connecticut Company, DOE Travelers  
entity 2, a Connecticut Company, DOE Travelers  
entity 3, a Connecticut Company,  
FARMINGTON CASUALTY COMPANY, a  
Connecticut company, THE TRAVELERS  
INDEMNITY COMPANY, a Connecticut  
company, THE TRAVELERS INDEMNITY  
COMPANY OF AMERICA, a Connecticut  
company, TRAVELERS CASUALTY AND  
SURETY COMPANY, a Connecticut company,  
and TRAVELERS PROPERTY CASUALTY  
CORP., a Connecticut company,

Defendants.

NO. 2:21-cv-00295-BJR

STIPULATED MOTION AND ORDER FOR  
PLAINTIFF TO FILE A SECOND  
AMENDED COMPLAINT

STIPULATED MOTION AND ORDER FOR  
PLAINTIFF TO FILE A SECOND AMENDED  
COMPLAINT - 1

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**STIPULATION**

All parties to this action by and through their respective counsel, stipulate and agree as follows:

1. Plaintiff may file the Second Amended Complaint attached hereto as Exhibit A;
2. The deadline to file amended pleadings should be extended from July 21, 2021 to August 20, 2021;
3. The 30-day extension of the deadline to amend pleadings is supported by good cause, as explained below.

In their Answer to the Complaint, Aetna Casualty and Surety Company of Illinois, Farmington Casualty Company, The Travelers Indemnity Company, The Travelers Indemnity Company of America, Travelers Casualty and Surety Company, and Travelers Property Casualty Corp. (collectively, the “Travelers Defendants”) inadvertently identified the wrong entity as the successor to Aetna Casualty and Surety Company of Illinois (“Aetna”).

The true successor to Aetna is Travelers Casualty Insurance Company of America (“TCICA”). But in their Answer the Travelers Defendants mistakenly identified Travelers Property Casualty Company of America (“TPCCA”) as the successor to Aetna.

Relying upon this inadvertent misstatement in the Travelers Defendants’ Answer, Plaintiff drafted its First Amended Complaint to identify TPCCA as a defendant and as successor to Aetna. In other words, Plaintiff relied on the Travelers Defendants’ inadvertent misstatement in their Answer to assert claims against the wrong Travelers entity.

The Travelers Defendants realized that Plaintiff had named the wrong defendant based upon the misstatement in their Answer and contacted Plaintiff about how best to proceed.

Based upon the inadvertent misstatement in the Travelers’ Defendants’ Answer and Plaintiff’s good faith reliance upon it, good cause exists to permit Plaintiff to amend its pleading for a second time. The Second Amended Complaint removes TPCCA from this

lawsuit, adds TCICA as a defendant, and correctly identifies TCICA as the successor to Aetna and the party responsible to respond to claims under the Aetna policies.

Accordingly, the parties respectfully request that the Court grant this stipulated motion.

DATED: August 12, 2021

IT IS SO ORDERED this 12th day of August, 2021.



THE HONORABLE BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE